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12 RALPH H. MCKEE, JR. and KRISTINE MCKEE  
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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16

17 RALPH H. MCKEE, JR. AND KRISTINE  
MCKEE,

18 Plaintiffs,

19 v.  
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21 CATERPILLAR INC.; and DOES 1-100,  
inclusive,

22 Defendants.  
23

CASE NO. C-07-3900-WHA

**JOINT STIPULATION OF DISMISSAL OF  
PLAINTIFFS' ACTION**

24 IT IS HEREBY STIPULATED by and between the parties to the above-captioned action,  
25 plaintiffs RALPH H. MCKEE, JR. and KRISTINE MCKEE and defendant CATERPILLAR  
26 INC., through their designated counsel of record, that plaintiffs RALPH H. MCKEE, JR. and  
27 KRISTINE MCKEE dismiss all remaining claims and causes of action (specifically, First  
28 (Products Liability), Second (Breach of Implied Warranty) and Third (Negligence)) in their

1 Complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), each side  
2 to bear its own costs and attorney's fees. The above-captioned action is now dismissed with  
3 prejudice in its entirety.  
4

5 Dated: August 21, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

7 By: /s/ Steven D. Wasserman

8 Steven D. Wasserman  
9 Michael L. Fox  
Attorneys for Defendant  
CATERPILLAR INC.

10  
11 Dated: August 23 2008

BRAYTON ♦ PURCELL LLP

13 By: 

14 Clayton W. Kent  
15 Attorneys for Plaintiffs  
16 RALPH H. MCKEE and KRISTINE MCKEE  
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